

(Rollcall Vote No. 29 Leg.)

## YEAS—89

Alexander	Dole	Menendez
Allard	Domenici	Mikulski
Allen	Dorgan	Murkowski
Baucus	Durbin	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Obama
Biden	Feinstein	Pryor
Bond	Frist	Reed
Boxer	Graham	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Salazar
Burr	Hatch	Santorum
Cantwell	Hutchison	Sarbanes
Carper	Inhofe	Schumer
Chafee	Isakson	Sessions
Chambliss	Johnson	Shelby
Clinton	Kennedy	Smith
Coburn	Kerry	Snowe
Cochran	Kohl	Specter
Coleman	Kyl	Stabenow
Collins	Landrieu	Stevens
Conrad	Lautenberg	Sununu
Cornyn	Lieberman	Talent
Craig	Lincoln	Thomas
Crapo	Lott	Thune
Dayton	Lugar	Vitter
DeMint	Martinez	Voinovich
DeWine	McCain	Warner
Dodd	McConnell	

## NAYS—10

Akaka	Harkin	Murray
Bingaman	Jeffords	Wyden
Byrd	Leahy	
Feingold	Levin	

## NOT VOTING—1

Inouye

The conference report was agreed to.

UNANIMOUS CONSENT  
AGREEMENT—S. 2320

Mr. FRIST. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to S. 2320, the LIHEAP bill, be vitiated.

I further ask consent that immediately after the consent, the Senate proceed to the consideration of the bill, provided further that Senator ENSIGN or his designee be immediately recognized in order to make a Budget Act point of order and that Senator SNOWE or her designee be recognized in order to move to waive. I further ask that there then be one-half hour of debate, equally divided, prior to a vote on the motion to waive.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Under the previous order, the cloture motion is vitiated.

Mr. FRIST. Mr. President, we will be having a vote in 30 minutes. In all likelihood, that will be the last vote of the day.

MAKING AVAILABLE FUNDS FOR  
THE LOW-INCOME HOME ENERGY  
ASSISTANCE PROGRAM, 2006

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 2320) to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006 and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from

Nevada is to be recognized. The Senate will be in order.

Mr. COBURN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the pending bill, S. 2320, offered by the Senator from Maine, increases direct spending in excess of the allocation to the Health, Education, Labor, and Pensions Committee. Therefore, I raise a point of order against the bill, pursuant to section 302(f) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, pursuant to section 904(c) of the Congressional Budget Act of 1974, I move to waive the applicable points of order. I move to waive the point of order under the applicable provisions of the rules and statutes.

The PRESIDING OFFICER. The motion to waive is debatable. There is 30 minutes equally divided.

Who yields time? The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today to ask the Senate to do the right thing and to oppose this budget point of order brought up against this legislation that will provide emergency funding for the Low Income Home Energy Assistance Program.

I thank the majority leader for his assistance in advancing this legislation. It is the culmination of his considerable efforts over the last few months to bring forward this legislation. I thank the minority leader as well for recognizing the importance and vitality of this issue, and promoting this amendment forward as well.

Mr. President, I know you are sitting in the chair, but you have been one of the leaders on this issue, trying to get additional commitment for funding for low-income fuel assistance, particularly for this winter, along with my colleague, Senator COLLINS of Maine. This legislation addresses a nationwide crisis by bipartisan consensus and fiscal responsibility. This legislation shifts the fiscal year for LIHEAP funding into the Deficit Reduction Act of 2005, which was already signed into law, from 2007 to 2006. This will provide an additional \$1 billion for all those Americans who simply cannot wait any longer for relief from home heating fuel costs that have skyrocketed over last year's heating bill.

The vote we will be taking this afternoon is on the budget point of order against this bill. I would like to elaborate on why this legislation is absolutely vital to increasing the funding for low-income fuel assistance for all parts of the country that depend upon this program.

There has been a lot of misinformation with respect to exactly what this bill is all about. First of all, it is budget neutral. Don't take my word for it; it is the conclusion of the Congressional Budget Office. All of the funds

under this bill have already been appropriated and accounted for within the budget. All this measure will do is shift the funds from fiscal year 2007 to 2006. There is no additional, there is no new spending.

This approach is not only fiscally sound and budget neutral, but, critically, it will allow States the flexibility to allocate funds to the residents who are struggling to pay for energy bills this year. The White House and our Senate leadership recognize this is the fiscally responsible solution to resolve this crisis.

I know some have said essentially we believe the LIHEAP program should be funded through contingency measures such as this legislation. That is what this legislation does, it utilizes the existing formula. It is not only cold weather States but also warm weather States that will benefit under this legislation.

I regret some of the misinformation that has been circulated with respect to LIHEAP as to who will benefit, which States will benefit under this legislation. I submit that in a year of high energy costs—and it has been a year of high energy costs, anywhere from 30 percent to 50 percent—it has devastated our State of Maine, Minnesota, and all parts of the country that have had to rely on home heating oil or natural gas or whatever the alternative. But the fact remains, the prices have increased 30 percent to 50 percent over last year's, and last year's prices went up 20 percent to 30 percent. That factor is not in dispute.

The additional factor is that we are using the same distribution formula. I believe that needs to be understood because I have seen some of the papers distributed as to which States will benefit. It is totally inaccurate. Nothing has changed with respect to that formula.

On the issues that are important to know about this increase in LIHEAP funding, No. 1, it is budget neutral; No. 2, it will not increase spending; and No. 3, the distribution formula remains the same. I regret that we have seen so much misinformation and mischaracterization with respect to the funding formula under this legislation.

Finally, we have heard: Well, it is a mild winter. I would like you to come to Maine, if you think it is a mild winter, and you ask all those people about the 30 percent to 50 percent increases. The current low-income fuel assistance program has not had an increase in real dollar terms since 1983. I happened to be in the House of Representatives when we created this program. It has not increased in real terms. If anything, it has been reduced. I regret that we have reached this point in time with respect to this vital program that so many low-income individuals depend upon who can barely make ends meet given the extent of the costs this winter with respect to home heating oil.

We are now talking about a program that has not increased in net terms

since 1983, when oil was \$29 a barrel. Today it is more than \$60 a barrel. Eighty-four percent of the people qualified for LIHEAP funds—and 80 percent of my State—are dependent upon home heating oil. It is a crushing financial burden.

Let there be no mistake about the fact that this program is vital. It is significant. It is essential to so many of the families in my State and across the country. The urgency of this legislation has escalated to an emergency. Last year, Americans struggled because of the high cost of energy. This year, they continue to struggle. We know the personal terms in which people have been devastated by the increased costs of energy.

I hope the Senate would waive the budget point of order because this amendment, this legislation, is budget neutral, and it does depend upon the existing distribution formula. Both cold weather States and warm weather States stand to benefit. There has also been a mischaracterization and misinterpretation about the distribution of this funding under this legislation. In fact, it was the agreement that we reached before Christmas. That was essentially the agreement we reached before Christmas. The very distribution formula we agreed to, the one which has been the status quo, the one which we agreed to with those who represent warm weather States, is exactly what this legislation before us is all about. Nothing has changed. I deeply regret to see what has been distributed and circulated that would suggest otherwise because it simply is not true.

Mr. President, I reserve the remainder of my time.

Ms. LANDRIEU. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. The Senator from Maine has made a very passionate plea and one with which I tend to agree. I am a supporter of this program and a supporter of making the formula even more fair for the Southern States that have very high energy costs as well—different but high. But would the Senator agree that another way to bring down prices of oil and gas would be to increase the supply of oil and gas into our country? Would the Senator at least acknowledge that is another way to help people?

Ms. SNOWE. Mr. President, I would like to reclaim my time because I don't think we ought to debate the question here today. I don't think there is any question about that.

But in the meantime, we have to address an emergency, and that emergency exists in my State and many other States across the country, including the Senator's State. I think it is a matter of fairness and it is a matter of equity and it is a matter of balance.

I think indisputable about why we need this legislation and why we need this funding now. I hope Members of

the Senate will recognize that. This is fairly distributed for warm and cold weather States. I hope we can increase the supply. But right now we have to deal with the emergency that is presented in my State and many other States across the country.

I reserve the remainder of my time.

Ms. LANDRIEU. I thank the Senator. I don't want to take any more time. I am going to support bringing this bill up because I believe, as the Senator outlined, it is an emergency and something we need to do.

But I want to say for the Record that there are other ways we can lower the price. Louisiana and the gulf coast is prepared to do that. I hope, as we move on with this debate, we can get to that issue as well.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, first of all, I was in the meeting with Senator SNOWE before Christmas. This is not the formula that we had agreed on in those meetings.

Second of all, the formula that she says will benefit the warmer States is not accurate. It is not historically accurate. It is not accurate with regards to the contingency funding. Contingency funds were released in January. There are 29 States that will be worse off under the Snowe proposal, if this money is put through the regular formula, the warmer States benefit. The whole formula was set up so that mostly colder States would benefit from the first dollars, and then if dollars are added, the warmer States would benefit.

But the way this amendment is set up that is, in fact, not what happens.

We have a budget point of order. People have to know that we are not voting on cloture on the bill or cloture on a motion to proceed to the bill, but we are actually voting on a budget point of order.

This has been described as a mild winter. There is plenty of evidence for that, especially on the east coast. I think the only two States that could arguably say it has been a harsher winter than normal are Oregon and Washington. And most of the rest of the country has had a fairly mild winter.

The point that somehow the Northeast needs this more because they have more higher heating expenses isn't true. Electricity in most of the country now is generated by natural gas. Because of the environmental concerns plants have switched over to natural gas. Air conditioning in the Southern States is just as critical as heat in Northern States. When it gets hot enough, people die from heat.

The LIHEAP formula was set up to be able to help warmer States and help low-income people in those warmer States. Frankly, this proposal does not do that. It does not do that fairly. If this money were all put through the regular formula this would be a fair proposal.

That is why the Senator from Louisiana's State would lose around \$18 mil-

lion if this formula were done differently, as she would like to see it done, versus the way Senator SNOWE has this drafted.

I didn't think this is the time for us to be waiving budget points of order. We are facing difficult fiscal times, and we need to show some fiscal restraint around here. Hopefully, we can sustain this budget point of order.

I reserve the remainder of our time.

Mr. INHOFE. Mr. President, I say to the Senator from Nevada, frankly, I think the Senator from Louisiana made a very good point coming up and saying this makes sense. I had an amendment that would allow us to go into BLM lands to extract natural gas and for LNG plants. That was taken out in the highway bill up in Massachusetts.

It doesn't seem at all reasonable to me that you would support something such as this for electricity and at the same time turn around and oppose every effort we have to try to get more natural gas to bring to these homes.

I certainly agree. I had an amendment to do that. It doesn't look like there will be an opportunity to entertain that amendment. Without that, I think it is unreasonable to expect that we would be able to do this.

Mr. ENSIGN. Mr. President, there is no question that one of the reasons this was even in the bill—in the Defense bill—was because ANWR was in there to help pay for extra money for LIHEAP. One of the reasons they say this is paid for is because they are taking money out of 2007 and moving it into 2006. We know this is a phony argument. We have seen it done around here time and time again. They are budget games that are played so they can say things are budget neutral. How do you spend \$1 billion and call it budget neutral? You are not taking something else and cutting spending someplace else. You are only shifting to the next year.

This budget point of order is real, and this budget point of order I think should be sustained.

Ms. SNOWE. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Maine has 5 minutes 48 seconds.

Ms. SNOWE. I yield to my colleague, Senator COLLINS, 2 minutes.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I commend you and Senator SNOWE for working so hard on this very vital issue.

I want my colleagues to understand exactly what is at stake here.

Early Tuesday morning, my State suffered a terrible tragedy—three people, including a woman and her 10-year-old son, died when their house caught fire and burned to the ground. There was the most deadly fire in Maine in 6 years. They lived in Limestone, ME, a town in northern Maine. On the night of the fire, temperatures were below zero. The family had run out of heating

oil, and as a result, was using wood stoves to provide the heat. According to the firefighters, the fire started near one of the wood stoves in the kitchen.

This is literally a matter of life and death.

At Christmastime, when I was home in my hometown of Caribou, ME, two elderly women were hospitalized with hypothermia.

This is not theoretical. It is not theoretical when there is ice in the toilet and when our elderly and low-income are at risk of illness, disease, and, yes, even death because they cannot afford the high cost of home heating oil.

The least we can do in a country as wealthy as ours is to provide some modest assistance. And those who say that the winter is almost over, come to where I am from in northern Maine. Believe me, there is a lot more winter to come.

Maine has run out of its LIHEAP funding. It is time for us to provide this modest help.

Thank you, Mr. President. I thank my colleague from Maine.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. There is 20 minutes 43 seconds.

Mr. COBURN. Mr. President, I agree with both Senators from Maine. Our goal is not to have additional LIHEAP funding. Our goal is to make sure we don't steal it from our grandchildren, robbing from the unborn and the young in this country to do something in the name of good. It is not moral at all.

What we are saying is pay for it. To say it is paid for, to say you are paying for it, there is \$1 billion allocated for next year, we are going to take that away and that is going to have to be paid for by somebody. You know who is going to pay for it? Our grandchildren.

If we want to help the people of Maine, there are a couple of things we can do. No. 1, you can use your TANF money for LIHEAP right now. That is allowed under Federal law. There is no reason anybody in Maine doesn't have the LIHEAP funds. You have money in your TANF account right now that you can transfer to solve that problem in terms of the acute problem.

The second thing you ought to know is that there is \$11.2 billion in unobligated funds in Health and Human Services right now that the administration could release for LIHEAP. We don't have to be doing this. If it truly is an emergency, the administration has the money right now to send to Maine to do that. Your Governor has the ability to take TANF money right now and support LIHEAP in Maine.

But it is unconscionable for us to steal from the next generation and steal from the next budget cycle saying that we have paid for it. We haven't paid for anything. What we are doing is sacrificing the standard of living for future generations in this country through this type of process.

If you want to bring the bill to the floor, which we have offered the Senator from Maine, come to the floor, offer to spend \$1 billion and give us the cuts to pay for it. Let us make the hard decisions that we were charged with to make among priorities in this country.

The other point I would make is there was an offer by the chairman of the Budget Committee last year to put an additional \$1 billion in this fund. The Senator from New Hampshire offered to put another \$1 billion by taking a small percentage across the board from Health and Human Services. This body voted that down. This body said we don't want to take a little bit from everybody else to pay for additional LIHEAP. We wouldn't even vote for it.

Now, when we are going to steal it from our children—the people who can't defend themselves, the future taxpayers of this country—then we are going to say it is OK, I believe it is morally wrong.

The people who need help today can get it. They can get it from the TANF funds in the State of Maine and the Northeast. They can get it from Health and Human Services, unallocated and unspent money that is sitting there right now.

We are not for not helping people, and it is not true to characterize it that way. We want to help anybody who truly needs our help.

The distribution under this formula, if you were to divide the money by everybody who could be eligible under LIHEAP, comes to \$35 a house.

The other point I would make, since LIHEAP started, we have averaged \$160 million a year in weatherization. That is \$3.2 billion in weatherization. There are some people who would suggest that multiple homes have been winterized multiple times. There has been no oversight on weatherization. There has been no oversight on how the money has been spent. We have not done our job in terms of oversight to make sure the money that goes for LIHEAP is spent in the proper way.

I believe it very noble that the Senators from Maine want to help their constituency. Let us help you help your constituency but let us not steal it from the next generation.

I reserve the remainder of our time.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Maine.

Ms. SNOWE. Madam President, how much time remains?

The PRESIDING OFFICER. There is 3 minutes 36 seconds.

Ms. SNOWE. Madam President, I ask unanimous consent to have an additional 10 minutes on each side so we can make sure that everyone who wants to speak has a chance to speak on this issue.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Madam President, reserving the right to object, we have a lot of requests from folks who are trying to get out. I guess there are planes leaving. How about 2 minutes for each side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. SNOWE. Madam President, I yield 2 minutes to the Senator from Minnesota.

Mr. COLEMAN. Madam President, I want to add my voice to this. This is not about theoretical discussions. I understand we have debates about oversight.

I held a hearing on this in Minnesota a couple of months ago.

By the way, winter is still there. And it is not just a matter of winter still being there. In Minnesota, we have some programs that allow heat not to be turned off and people have to pay that back through the course of the summer.

I had a mom come forward who has three kids, who is working and going to school, who is talking about having to give up going to school so she can pay the heating bill. I had a senior woman come forward who is paying 50 percent of her income for heat and medicine.

This is not a theoretical debate. This is about life and death. This is about suffering.

Clearly, we have an opportunity and an obligation. I hope we do it and simply do the right thing. This is a rich country. Those who need to be heard, those who are raising their voices and asking us to do the right thing in a way that is being paid for, we can debate that all we want. But the bottom line is we have the opportunity to do what is right.

I urge my colleagues to do the right thing and support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ENSIGN. Madam President, I want to reiterate a little about what Senator COBURN talked about, whether this bill is paid for; if people want to truly pay for this legislation then we must cut other areas of spending. This is about priorities. If this is a priority—and a lot of people think it is, the Senator from Minnesota and the Senators from Maine and others from around the country believe it is a priority—then other sacrifices must be made to meet this priority. We need to set priorities in this country.

There are those of us who believe that deficits are real. They are absolutely real. People get up and talk about them all the time. But when it comes right down to whether you are willing to make tough choices instead of just increasing the spending and passing that debt on to the next generation, they aren't willing to offer other spending cuts so that we are not increasing the deficit.

That is the point that Senator COBURN and myself are trying to make. It is time to start being fiscally responsible around here instead of just passing this debt on to the next generation.

I reserve the remainder of our time.

The PRESIDING OFFICER (Mr. CHAFEE). Who yields time?

The Senator from Maine.

Ms. SNOWE. Mr. President, I yield 1 minute to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, we are here because people are suffering throughout the country, most particularly the coldest States.

Americans throughout this country—in the southland and in the north-west—understand that in Maine in the winter and in Washington State in the winter, people are freezing.

Senator COLLINS' very poignant and very telling story about what happens when people are desperately cold should be remembered by all of us.

I think it is astounding that we talk about poor people, trying to help them with a little bit of money for their heat and suggest that we take it from other poor people who use TANF money to feed their children so the other people can have heat. We talk of being responsible and say: Now we have to cut the deficit. I didn't hear that message weeks ago when we were talking about huge tax cuts to benefit the wealthiest Americans. That was not being responsible.

We have a chance to help people, a last chance to help people this year who are literally freezing. If we do not take it, shame on us.

Mr. COBURN. How much time remains?

The PRESIDING OFFICER. The Senator from Maine has 3 minutes, and the Senator from Oklahoma has 7 minutes 20 seconds.

Mr. COBURN. I yield 2 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, the budget point of order is not a technical budget point of order. It was a technical point of order with regard to the asbestos bill. This bill would provide \$1 billion more in 2006 than the budget authorized. If we are going to spend \$1 billion more than the budget authorized, how can that not be in violation of the budget?

There are two aspects: first, you say it is paid for in the future. That is irrelevant to whether the Budget Act is violated, even if it were paid for. Second, we have been around here long enough to know we are not going to cut LIHEAP next year by \$1 billion. We know that.

As much as we would like to accommodate this spending—I can understand the desire of the Senators to do so—we should not do it because it violates the budget in a very fundamental way.

It clearly is an unfair allocation of funds compared to my State, which receives \$17 million less if it were distributed according to the discretionary plan, as opposed to the fundamental formula.

I yield back my remaining time.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE. Mr. President, I yield 1 minute to the Senator from Connecticut.

Mr. DODD. I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me add to the words spoken by others. With all due respect, we hear people talking about deficit financing, and I could not agree more. Twenty years ago I offered a pay-as-you-go bill that got 12 votes in the Senate. We ought to be doing that.

With all due respect, we have people in deep trouble, people not in a position to have resources to take care of themselves. Those here who live in the Northeast or the Midwest and the upper tier States understand this problem.

I cannot say how many times I have voted when matters affected the South or the West or when other parts of the country were devastated. I do so proudly. I tell my constituents in Connecticut that they are Americans, they are hurting, they need our help, and I give them my vote when they are in trouble.

I find it astounding when I listen to Members who say my constituents cannot get help in their time of need. That is what we are asking. It is cold where we live. We have a month and a half of winter left.

The Senators from Maine are asking for little consideration. The next time some Senator from some part of the country says they have a problem in the gulf States, we will not hear the Senators from Maine saying: I am sorry, we cannot deficit finance that. We will take care of our people.

That is what we are asking you to do today: Help us take care of our people. Support this, please.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COBURN. I yield 2 minutes to the Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Senator from Oklahoma for yielding.

Mr. President, I have sort of a long history with this program. Years ago on my watch we started this temporary program, this emergency program called LIHEAP, energy assistance. Well, here we are, 10 years later, almost 10, it is still here, and it is growing.

I guess one thing that shocked me, and this is an admission against my interests, when I realized it went from being "heating" assistance to being "heating and air-conditioning" assistance, I began to think: How far will this go?

I was in the ninth grade before we had air-conditioning, and we survived. We did not suffocate. It was damn hot down there on the Mississippi gulf coast. You could not open your windows because mosquitos would come in because we did not have screens on the windows.

So, now, millions is going into air-conditioning. And then we have heat. What is it we are not going to give people for free? Is there any limit? Is there

any limit to the amount of money? I thought we were having global warming. I thought it was a mild winter.

Yes, my bills have gone up. Mine have gone up astronomically in my State because of the disaster.

I thank the Senators from Maine, particularly Senator SNOWE, for this not being connected to the flood insurance proposal. Flood insurance is a completely different issue, and because people paid for this coverage, it has already been paid for, they paid the Government for their flood insurance, and now they are going to say: Gee, because the Senate once again does not do its job and is playing games with us, we are not going to get the checks for the coverage we already paid for? I don't understand that.

Second, Senator COBURN and others who are opposed to this LIHEAP proposal have acted responsibly. They could have been obstructionist, the way they have been on other bills around here, to insist on a vote on a motion to proceed. The Senators from Maine are going to make their case. Those who are opposed to it will make our case. We will have a vote. One side or the other will win, and then I recommend we go forward at that point.

I do think if we are going to have this program, we at least need a formula that is a national formula. I do not like the program. I would prefer not a nickel of it go to my State, but I would not be doing my job if I did not insist on a formula that is fair to all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Just to make a few final points because, again, there has been a lot of misunderstanding, mischaracterizations, misinterpretations of the facts. The facts are, this program has not grown. That is indisputable.

Look at this chart and see where we are. The level of funding for LIHEAP is equivalent to 1983 buying power, when oil per barrel costs were at \$29. Today it is more than \$60. The buying power for any household that depends on low-income fuel assistance has decreased from 50 percent in 2001 down to 19.5 percent. Look at the cost of home heating oil. That is where we are today.

I go unchallenged when it comes to matching fiscal responsibility. There are a number of issues I have offered in the Senate to accomplish that. That has not occurred. I agree we have to do much more. But the fact is, this \$1 billion was included in the Deficit Reduction Act that most Members voted for in this Senate last year that included this funding and included this formula. Those are the facts. The \$1 billion and the formula were already included in the Deficit Reduction Act. This is not increasing spending. It is budget neutral. It is the same funding formula that everyone agreed to that would help both cold weather and warm weather States. That is indisputable.

I hope at least we could debate the true and accurate facts. That is what this is all about.

This is a national issue. It is not a regional issue, it is a national issue. It is a national crisis. I hope the Senate will vote to waive the budget point of order so we can provide the \$1 billion that was allocated in 2007 and advance it to 2006.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. COBURN. Mr. President, first of all, the Senator from Connecticut makes a great point. This is not about regionalization. This is about paying for something.

The Senator from Maine is absolutely right. It was in the act we passed this last fall. But it was in there for next year. It was advance funding so we would pay for the money for next year.

So if in fact we take this money now and move it out of next year, we are going to have to come up with another \$1 billion. You can play the games with the numbers all you want, but the fact is, we are going to have to come up with another \$1 billion.

The other thing I point out, we are not in great financial shape. We added half a trillion dollars. I was one of the few Republicans who did not vote with the rest of my side in terms of the tax cuts this last time through. I have been straightforward in addressing the financial problems our country had.

I ask Members to look at this chart put out by NOAA that says, in fact, for every area seeking today, they are either above normal or much above normal in terms of their temperatures this year. My poor State, Oklahoma, is red hot. It was 92 degrees yesterday in Oklahoma. We set an all-time record. We had 20 or 30 days over 100 this past summer.

I am not debating whether we should help people. I am debating can we help people without killing our children. The offer was made several times to the people offering this amendment: We will help you find offsets to pay for this so we do not take it from future generations. That was rejected, straightforward.

The fact is, we have to be responsible. We are going to have to come to a point in time where we will have to make a hard choice. If we do not, here is what will happen. The international financial community is going to do it for us. Interest rates are going to go sky high. The value of the dollar will fall through the floor. Talk about leaving a heritage to our children. We will leave a heritage of poverty to our children.

It is time for us to make the hard decision. Let's support this point of order because it is right. If we do not support this point of order, the budget does not mean anything, nor do the budget rules mean anything, nor do the appropriations categories mean anything.

I yield back the remainder of our time, and I call for a vote.

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 66, nays 31, as follows:

[Rollcall Vote No. 30 Leg.]

#### YEAS—66

Akaka	Dorgan	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Feingold	Obama
Bennett	Frist	Pryor
Biden	Grassley	Reed
Bingaman	Harkin	Reid
Burns	Hatch	Rockefeller
Burr	Jeffords	Salazar
Byrd	Johnson	Santorum
Cantwell	Kennedy	Sarbanes
Carper	Kerry	Schumer
Chafee	Kohl	Smith
Clinton	Landrieu	Snowe
Cochran	Lautenberg	Specter
Coleman	Leahy	Stabenow
Collins	Levin	Stevens
Conrad	Lieberman	Sununu
Dayton	Lincoln	Talent
DeWine	Lugar	Thune
Dodd	Menendez	Voinovich
Dole	Mikulski	Warner
Domenici	Murkowski	Wyden

#### NAYS—31

Alexander	DeMint	Martinez
Allard	Ensign	McCain
Allen	Enzi	McConnell
Bond	Feinstein	Nelson (NE)
Brownback	Graham	Roberts
Bunning	Gregg	Sessions
Chambliss	Hagel	Shelby
Coburn	Inhofe	Thomas
Cornyn	Isakson	Vitter
Craig	Kyl	
Crapo	Lott	

#### NOT VOTING—3

Boxer	Hutchison	Inouye
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The PRESIDING OFFICER. On this vote the yeas are 66, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to, and the point of order falls.

The Senator from Arizona.

#### AMENDMENT NO. 2899

Mr. KYL. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. ENSIGN, proposes an amendment numbered 2899.

Mr. KYL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available funds included in the Deficit Reduction Act of 2005 for allotments to States for the Low-Income Home Energy Assistance Program for fiscal year 2006)

Strike all after the first word and insert the following:

#### 1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking “for a 1-time only obligation and expenditure—” and all that follows through “2007” the first place it appears and inserting “\$1,000,000,000 for fiscal year 2006”;

(B) by striking “; and”; and

(C) by striking paragraph (2);

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9)).”; and

(4) in subsection (c) (as redesignated by paragraph (2)), by striking “September 30, 2007” and inserting “September 30, 2006”.

Mr. KYL. Mr. President, let me briefly describe what the amendment does. I appreciate the fact that most of my colleagues are leaving, and we will have to have the debate next week. Since the budget point of order was not sustained, we are going to proceed to the consideration of the addition of \$1 billion to the LIHEAP funding for low-income energy assistance. Of course, in the colder States, that generally takes the form of assistance in the heating oil bills to heat their homes. We have, however, in other States a crisis in the middle of the summer when it is so hot that folks have a hard time paying the air conditioner bills. The issue is essentially the same.

It has been pointed out by one individual that more people actually die as a result of heat than cold. In any event, we are pleased to see \$2 billion already having been spent for the low-income energy assistance program in those colder States.

What we are talking about here is the addition of another \$1 billion. We are saying, as to this other \$1 billion, it should be spent pursuant to the formula in the law. What our amendment does is to say take this additional \$1 billion, spend it pursuant to the formula under the law.

That formula is broken into two parts. The first is \$250 million and the second is \$750 million. The formula for the first \$250 million disburses it a certain way, and for the last \$750 million, it disburses it somewhat differently. That formula actually ends up getting money to all of the States but in a different mix than the first \$2 billion, which is so-called contingency funding, which was almost all given to support folks in the Northeast part of the United States, in the colder part of the country.

The problem is that by the time we get to the summertime, almost all of the money is used, and anybody who

needs it for air-conditioning assistance, of course, has nowhere to turn. Last summer, when we had the record-high temperatures in Arizona, we found that there was no money. We finally located about \$183 million, if memory serves me, and by the time we located that funding, it was virtually too late to do very much good.

That is the reason, at this point in the year, if we are going to spend an additional billion dollars, we need to spend it pursuant to a formula under which all States can receive funding, that it is distributed fairly and spread out evenly so that the States that have air-conditioning problems will receive the benefit from it just as those States that have problems with the cold.

Mr. President, I suspect there is little point to further debating this amendment at this time. I hope that when Members return, we will be able to vote on this amendment. If we are going to add the additional billion dollars, at least let's do it in a way that is more fair. I think something like 38 States lose under the proposal of the Senator from Maine, and they would actually be made more whole if my amendment is adopted. I hope at that time we will act favorably on this amendment.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I rise in support of the proposal Senator KYL has offered. I do believe it represents a step toward fairness. But I do reiterate that I believe the budget point of order should not have been waived, and that we actually spent, under this proposal that has been cleared so far, another billion dollars this year than we had within our budget. That is a bad thing. It is those kinds of steps that get us into real trouble in spending.

We have my colleagues who say they care about spending; oh, they care about spending. But time and time again, when a vote comes up that actually has something to do with our deficit, they are AWOL. I thought it was amusing that not long ago, a Senator referred to a vote he cast 15 years ago as if that is going to prove he is frugal. We have a vote right now. This was the vote. This was a clear vote. It had to do with whether we had any intention to be disciplined in the way we handle money. They say: Well, we need this money. But the truth is we have had the warmest January on record. This has been a very mild winter. For that, we can be most thankful.

Is this an emergency? Well, what happens next year if it really is an average or cold year and we don't have this billion dollars? It has already been spent this year. And they say the heating oil prices don't fall, they go up. They say the heating oil prices will go up again next year. Where are we going to come up with that billion dollars? We don't even have a proposal here to offset it.

With regard to the funding formula we have seen, if we can fund this bil-

lion dollars in the way that has been proposed, my State, which suffers from a lot of hot days—and in small houses and in mobile homes that are not cooled, people do die. That is a tough time. If we are going to have this fund, it is only fair that the poor people in my State have a chance to participate in it, not just a select group.

So I just return to the fundamental principle. We are indeed moving a piece of legislation that spends \$1 billion more this year than we authorized in spending. The fact that it came from next year's money doesn't answer the question. We are spending a billion dollars more than we were authorized to spend under our budget. What good is a budget if we don't adhere to it?

What we have is some tax-and-spend people here. They vote against tax cut extensions, they vote to raise taxes, and they vote to raise spending. That is what it is about. They say they are frugal. They say they are responsible. Those of us who are trying to contain spending and maintain a low tax rate for the American people, they say somehow we don't care about our people. That is not correct.

We are at a point in time when our Federal budget is allowing for an increase in spending every year, and we will see again this year a very sizable increase. We will have before the Budget Committee an effort to contain just a little bit the growth of entitlements. Do you know what I am hearing, Mr. President? I am hearing we don't have the votes in the Budget Committee to even have a modest containment of spending on entitlement programs, which is where the growth is—about \$870 billion for discretionary spending and \$1.2 trillion for entitlements. The discretionary budget this year will come in almost flat this year, with little increase. But entitlement spending is going up at about a rate of 7 percent or so. It is just driving our deficits. We cannot even begin to discuss that, apparently, because people want to raise taxes and spend. They want to tax and spend. It is not the right way to go. That is not what this country was founded on.

When you look at the Europeans who have done tax and spend—look at Germany, with 11.5 percent unemployment, and France has 9.5 percent unemployment. That is what the statist Socialist economies produce. How did they get there? Because their congresses could not resist the demand to fund every feel-good program that comes along the pike. That is why. Then when you meet with a businessman from Germany, he says: I know we have to do something, Senator. Maybe we can cut back on this, but people are so dependent on these government programs, so used to them in Germany, that we cannot quite get the votes to stop it. We know if we don't do it, it can wreck our economy, but we cannot get the votes because people become addicted to it, they like it. They feel like anything they once received, if it

is not received the next year, the demagogues say it is a big cut and you have been denied something you are entitled to.

So I just say that if I seem a bit frustrated, you can know that I am. We have had a lot of good discussion about how to contain the growth of entitlements—and I am not a bit sure that is going to bear fruit this year—just to maintain the current tax level and keep taxes from being increased next year. Now we come along on top of a generous LIHEAP program and add \$1 billion more, in violation of the budget agreement. We just voted to waive the Budget Act and do it anyway with 66 votes. I am telling you, this is not the way to get spending under control in this country. It is the way to move our country to a statist economy. That is not our strength.

Our unemployment is not 11.5. Our unemployment is not 9.5. Ours is 4.7. In my State of Alabama, it is 3.5. We didn't get there by taxing and spending; we got there by reducing the burden of government on the private sector and allowing the private sector to flourish. Tax revenues are up in every city in the State, I do believe. I traveled 26 counties last week. Every mayor and county commissioner I talked to is seeing increases in sales tax revenues. Many are telling me they have a 14-, 15-, to 18-percent increase in taxes. Why? Because the economy is booming. Companies are hiring people. They are bidding up the wages. They cannot find people, and they have to pay higher wages. People are making more money, and they pay taxes on that. So revenue to the Federal Government is up. Yes, we have a deficit, but revenue is up.

People don't pay taxes to Uncle Sam if they don't make money. They are paying more taxes because they are making more money. We have a free market economy that allows growth and vitality. So I think this vote is an important vote for us as a people. It is a sad vote to me to see many people who claim to be frugal, claim to care about spending, but when the chips are down and we have a clearly dangerous bill like this one, a bill that we ought to be able to vote down overwhelmingly, we could not even get 40 votes to say no. We could not find 40 votes to say no to this plan. I don't blame Senators for trying to do this. They say that you in the South want help. Well, scrutinize the help we are asking for. If we are asking for something that is unfair, say so, vote against it. Don't come in here and vote for everything this one wants, everything that one wants, and everything that one wants, and then walk in here and say the deficit is too big and now we have to raise taxes. That is where we are headed. I think everybody here knows that. There are a lot on the other side of the aisle, and apparently some on this side, for whom that is a strategy. That is a strategy. The strategy is to increase spending and then say you cannot have lower



taxes and we have to have higher taxes and we have to raise taxes. They don't want to say it publicly and openly, but that is what they are working toward.

That is a big divide in the Congress, as I see it. I hate that we have a dispute over this spending, but apparently we have. It is discouraging to see the vote. But I think, as we continue to talk about it, perhaps the American people will talk to their Senators and Congressmen. When I travel around, they talk to me about spending. Of course, they want their projects. They say: Oh, don't cut that. But overall, they want constraint.

I believe the American people fundamentally will respect us if we maintain some discipline. That means, on the discretionary account, staying within our budget figure, which is basically flat spending. When we are in a crisis, we try to keep our spending level. We have a deficit. We ought to stay level. We are not slashing anything. We have to stop going for more and more red ink, more and more new spending programs that we have not had before to fund heating oil in the warmest winter on record.

We are going to keep talking about it. There will be more votes in this Congress and in this Senate. We did pretty well last year. We did do some reduction—modest reduction in entitlements with the Medicaid Program. We limited the growth of Medicaid, and we were proud of ourselves. Over 5 years, it was going up 41 percent before we passed the cost-saving bill, and now it is going up 40 percent. We thought we were quite proud of ourselves to save a little money that way. If we would do that on the other accounts, like Medicaid and Medicare and some other accounts—just a little bit—we would have big numbers as we go along and make a real difference in what we are doing. But it looks like that may not happen.

So we are going to have to, I guess, reengage the American people, reengage the Members of Congress, and they are going to be asked by constituents: How did you vote? How did you vote on LIHEAP? Did you vote to spend another \$1 billion? Maybe we can begin to have the American people talk some sense into those of us in Congress.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have some remarks to make in tribute to a combat infantry and armored brigade from Mississippi which has returned from Iraq. I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. COCHRAN are printed in today's RECORD under "Morning Business.")

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO THE SERVICE OF THE 155TH SEPARATE ARMORED BRIGADE

Mr. COCHRAN. Mr. President, I am pleased to pay tribute to the service of the 155th Separate Armored Brigade of the State of Mississippi. The 155th has a rich history of extraordinary military service to our Nation. It has participated in the War of 1812, the American Civil War, the Spanish-American War, both World Wars, Desert Shield and Desert Storm, and operations in Bosnia.

Recently, the 155th completed a year-long tour in support of Operation Iraqi Freedom. The 4,000-member brigade combat team was attached to the II Marine Expeditionary Force and deployed to the Al Anbar Province of Iraq. They conducted operations that included rebuilding infrastructure, hunting down insurgents, and supporting elections. Each of these activities made an indelible impact on the people of this fledgling democracy and improved their chances of surviving and prospering in a much safer and secure environment.

It is truly remarkable what our soldiers have accomplished. They served in a combat environment where they thwarted continuing attacks from a determined insurgency. They endured the hardships of being away from their families. They suffered the loss and injury of their fellow comrades. They had to endure the worry for their families' well-being as Hurricanes Katrina and Rita devastated the gulf coast. Through it all, they remained dedicated and determined to carry out their mission.

As Mississippians have done for centuries, these soldiers left their families and the comforts of home to answer the call of duty. This was not done without cost. During its deployment, the 155th lost 24 soldiers who made the ultimate sacrifice. These soldiers left behind wives, children, and loved ones. They answered the call of duty and gave their lives for America's freedom and security. This wasn't done for fame or fortune. It was done out of a commitment to duty and service to our great country. They are true heroes.

The 155th is the modern-day "Mississippi Rifles" that has carried on the

proud traditions of Mississippi and our Nation.

As we honor these brave men and women, it is appropriate for us to also honor their families. No one understands the hardships of war and sacrifice more than a soldier's family. For 18 months, these Mississippians sacrificed as their loved ones answered our Nation's call. Although their lives were disrupted, they assumed the role of both mother and father. Their resilience and courage during Hurricanes Katrina and Rita continue to be admired by us all.

Of course, they did not accomplish all of this alone. Our Mississippi communities came together to provide support which ranged from countless letters and packages, to daily support at home that included clearing storm debris and ensuring shelter for their loved ones, to support for the families of fallen comrades and those who were seriously wounded.

As we pay tribute to the accomplishments of the 155th and give thanks to their sacrifice and service, it is important we remember our country is still at war. The State of Mississippi has over 500 of its citizens deployed in Iraq, Kuwait, and Afghanistan continuing to fight the global war on terrorism. In addition, we have citizen-soldiers in various stages of mobilization preparing to answer our Nation's call. Our country's military is the most committed and powerful in the world, and they are well prepared to serve in our hometowns and across the globe. We will keep them in our prayers as they continue their great legacy of sacrifice and service.

#### BOULDER CITY 75TH ANNIVERSARY

Mr. REID. Mr. President, I rise today to commemorate the 75th anniversary of Boulder City, NV.

Boulder City lies 24 miles east of Las Vegas, and 40 miles from Searchlight near Lake Mead. It's very close to my hometown, Searchlight, and it is a city dear to my heart. Boulder City is a Nevada treasure, and I am proud to honor them today.

Boulder City was created by the Federal Government on March 11, 1931, to provide housing to the thousands of people who built the Hoover Dam. Because Boulder City was operated as a Government reservation, the residents could not buy homes and unlike its neighboring cities, liquor and gambling were prohibited. In fact, gambling is prohibited in Boulder City to this day.

As the first planned community built in the United States, Boulder City has gone to great lengths to maintain its small town feel. Boulder City only sees about 400 new residents each year due to a growth control ordinance that was enacted in 1979.

Boulder City is most widely known as the home of the Hoover Dam. Twenty-one thousand men worked for 5 years and poured more than 5 million